

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH M. ANDERSON,

Plaintiffs,

vs.

NEVADA DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

3:16-cv-00056-RCJ-WGC

ORDER

This is a prisoner civil rights case. Pending before the Court are Plaintiff's two objections to an order of the Magistrate Judge staying discovery.

I. FACTS AND PROCEDURAL HISTORY

Plaintiffs sued Defendants in state court under 42 U.S.C. §§ 1983 and 1985, alleging violations of the Free Exercise Clause of the First Amendment, the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), the Equal Protection Clause of the Fourteenth Amendment, retaliation in violation of the First Amendment, and a civil rights conspiracy. The Court permitted certain claims to proceed and gave leave to amend certain other claims. Upon amendment, the Court permitted RLUIPA, First Amendment retaliation, Equal Protection Clause, and civil rights conspiracy claims to proceed but dismissed a due process claim with prejudice. Defendants have filed a motion for summary judgment based on failure to exhaust

1 administrative remedies, the statute of limitations, and on the merits as to the First Amendment
2 retaliation claim. That motion is still pending.

3 In the meantime, Defendants filed a motion to stay discovery. The Magistrate Judge
4 granted the motion after a hearing, noting that discovery on merits issues was unnecessary until
5 the Court ruled on the exhaustion issue. The Magistrate Judge stayed discovery, except that he
6 permitted Plaintiff to proceed with discovery as to exhaustion issues

7 II. DISCUSSION


8 Plaintiff has filed two objections asking the Court to overrule the Magistrate Judge and
9 lift the stay on general discovery. The Court denies the objections. The Magistrate Judge's
10 ruling was not contrary to law or clearly in error. *See* Fed. R. Civ. P. 72(a). Unless the
11 forthcoming report and recommendation were to recommend that the Court deny the summary
12 judgment motion as to exhaustion but grant it on the merits (before Plaintiff has discovery on the
13 merits), Plaintiff has no cognizable complaint with the way the Magistrate Judge has ordered
14 discovery.

15 CONCLUSION

16 IT IS HEREBY ORDERED that the Objections (ECF Nos. 47, 48) are DENIED.

17 IT IS SO ORDERED.

18 Dated this ^{27th} ~~16th~~ day of July, 2017.

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21 _____
22 ROBERT C. JONES
23 United States District Judge
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